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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,197	08/21/2003	Hideo Ohira	501152.20020	7088

7590

07/26/2005

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EXAMINER

FAISON, VERONICA F

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,197

Applicant(s)

OHIRA ET AL.

Examiner

Veronica F. Faison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) 4,9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,15-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 5 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1, 4, 5 have been amended, claims 15-19 have been added and claims 5 and 6 have been canceled. Hence, claims 1-5,8 and 15-19 (claims 9-14 are withdrawn) are pending in the application.

Election/Restrictions

Newly amended claim 4 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claim is now direct to a container, instead of an ink composition that was originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 4 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-3, 8, 15-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Blease et al (US Patent 6,585,362).

Blease et al disclose an ink composition comprising a colorant and an aqueous carrier wherein the ink composition has a dissolved gas content of less than 3 ppm as measured on the basis of the amount of dissolved oxygen gas at 20°C and a static

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surface tension at 25°C of greater than 34 dynes/cm (34 mN/m) (abstract and col. 3 lines 41-49). The colorant present in the composition may be a water-soluble dye, a pigment or any other type of colorant (col. 3 line 50+). The reference further discloses that the aqueous carrier is water or a mixture of water and at least one water miscible co-solvent (col. 5 lines 10-12). A surfactant may be added to the ink to adjust the surface tension to an appropriate level, wherein the surfactant is present in the amount of 0.01 to 1 percent by weight (col. 6 lines 31-36). The reference further discloses that the typical ink composition comprises 0.05 to 20 percent by weight of colorant, 20 to 95 percent by weight of water, 5 to 70 percent by weight of humectant, 2 to 20 percent by weight of co-solvent, 0.1 to 10 percent by weight of surfactant, 0.05 to 5 percent by weight of biocide and 0.1 to 10 percent by weight of pH control agents (col. 6 lines 61-66). The reference discloses that the ink composition is degassed prior to filling. During the degassing process, ink is pumped to a degassing unit and cycled until the ink reaches the desired gas level. The degassing unit may incorporate known mechanisms for removing dissolved gases from an ink. These methods include but are not limited to physical processes such as boiling and evacuation, and chemical processes such as incorporating gas absorbents in the ink composition (col. 14 lines 46-64). The ink is incorporated into a collapsible bag to allow the low level of dissolved gas ink the ink composition to be maintained during printing (col. 14 line 65-col. 15 line 10). If a reference shares an endpoint with the claimed range, anticipation exists. *Ex parte Lee* 31 USPQ 2d 1105 (BPAI 1993); *In re Woodruff* 16 USPQ 2d 1934; *In re Malagari*

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182 USPQ 549. The composition as taught by Blease et al appears to anticipate the claimed invention.

Allowable Subject Matter

Claims 5 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The references alone or in combination fail to teach a vacuum thin film deoxidation method.

Response to Arguments

Applicant's arguments filed 5-2-05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a high recording quality with a sharp image area edge) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Veronica F. Faison whose telephone number is 571-272-1366. The examiner can normally be reached on Monday-Thursday and alternate Fridays 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VFF
7-22-05



J.A. LORENZO
SUPERVISORY PATENT EXAMINER